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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,741	06/27/2003	Richard F. Davis	024.0012	7727

29906 7590 05/19/2006

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EXAMINER

NGUYEN, DUC M

ART UNIT PAPER NUMBER

2618

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/608,741	<b>Applicant(s)</b> DAVIS, RICHARD F.	
	<b>Examiner</b> Duc M. Nguyen	<b>Art Unit</b> 2618	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 02 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: 5-11.  
 Claim(s) rejected: 1-4, 13-16 and 18-20.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attached "Response to argument".  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments filed 5/2/05 have been fully considered but they are not persuasive.

As to claim 1, on page 8 in the Remark, Applicant argues that claim 1 includes elements of original claim 12, which the Examiner indicated was allowable.

In response, the Examiner asserts that claim 1 does not include **all** the elements of original claim 12. In fact, original claim 12 depends on claim 11, which in turn depend on claim 10, which in turn depend on claim 9, and ...so on. Therefore, the original claim 12 includes all the limitations of claims 1-11. Original claims 6-12 are objected to because they include allowable limitations of claim 5, which in turn depend on claim 4, which in turn depend on claim 3, and so on. This would include **all** the limitations of claims 1-4. See the allowable subject matter of claim 5 in the Final Office Action.

In addition, the limitation of “a conductive elastomeric gasket shielding a portion of said compressible bellows interconnect” would implicitly provide the limitation “said conductive elastomeric gasket electrically connecting one or more components (i.e, elements of compressible bellows) in contact with said conductive elastomeric gasket to reduce radio frequency coupling (an inherent feature of shielding characteristic) with one or more additional interconnects (compressible bellows).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, since Bley discloses the motivation for utilizing a conductive elastomeric gasket to shield a portion of compressible bellows interconnects in a high frequency RF signal connectors (i.e, provide adequate shielding with a controlled characteristic impedance and require no insertion or removal force), it would have been obvious to one skilled in the-art at the time the invention was made to provide the above teaching **Bley** to AAPA for incorporating such conductive elastomeric gasket in the RF interconnector system in AAPA as well, to form the shield of a plurality of coaxial connectors, for providing conductive paths of controlled impedance between IC circuit boards require no insertion or removal force at low cost (see Bley, col. 2, lines 13-17, 52-60).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Since AAPA and Bley both direct to a high frequency RF signal connectors, their combination is proper.

As to claim 13, in the Remark, Applicant argues that none of the cited reference taken alone or in combination, disclose a “conductive elastomeric gasket for each of said plurality of

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openings for shielding and coupling said integration plate to a ground plane of said second module" .

In response, the Examiner asserts that since Bley discloses a plurality of plated through-holes (read on "openings") are formed within a ground plane formed on a side of the connector board (see col. 5, lines 30-40), AAPA and Bley as combined would disclose a "conductive elastomeric gasket for each of said plurality of openings for shielding and coupling said integration plate (see AAPA, Fig. 1, ref. 19) to a ground plane of said second module (see Bley, col. 5, lines 34-40)", wherein connector boards or printed circuit boards (see Bley, col. 4, lines 42-48) would read on "first module" and "second module" as claimed, for suppression interferences of external signals, .

As to claim 18, in the Remark, Applicant argues that none of the cited reference discloses "placing at least one conductive elastomeric gasket in proximity to each interconnect such that said conductive elastomeric gasket contacts said first component and a second components".

In response, the Examiner asserts that Bley does disclose "placing at least one conductive elastomeric gasket in proximity to each interconnect such that said conductive elastomeric gasket contacts said first component and a second components" as claimed (see Figs 1a, 2a and col. 3, lines 38-60), wherein connector boards or printed circuit boards (see Bley, col. 4, lines 42-48) would read on "first component" and "second component". Also note that any component that contacts the conductive elastomeric gasket (i.e, compressible bellows) would also read on first component and second component.

For foregoing reasons, the examiner believes that the pending claims are not allowable over the cited prior art.

***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

3. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

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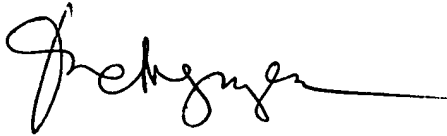
Hand-delivered responses should be brought to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner  
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-  
Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-4177.

Duc M. Nguyen

May 15, 2006

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal line extending to the right.